

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**KANDEE COOLEY,**

**Plaintiff,**

**vs.**

**STATE OF ALABAMA DEPT. OF EDUCATION,  
MOBILE COUNTY BOARD OF SCHOOL  
COMMISSIONERS, AND MOBILE COUNTY  
PUBLIC SCHOOL SYSTEM,**

**Defendants.**

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**Case No:  
2:07CV808-MHT**

**MOTION TO DISMISS**

Comes now Defendants, Mobile County Board of School Commissioners and the Mobile County Public School System (collectively referred to herein as “the Board”) and hereby moves this Honorable Court to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure all claims for punitive damages made by Plaintiff, Kandee Cooley, in her complaint. In support of same, the Board relies on all of the following: this motion and contemporaneously filed supporting brief; all pleadings and filings to date in this civil action; and all applicable procedural and substantive laws. As grounds for this motion, the Board states as follows:

1. Plaintiffs’ claims for punitive damages fail to state a claim upon which relief can be granted.

2. Under the law applicable to every claim asserted by Plaintiff in her complaint against the Board, punitive damages are not available. (See Br. Supp. Mot Transfer and Dismiss).

**WHEREFORE, PREMISES CONSIDERED**, the Board respectfully requests this Honorable Court to enter an order dismissing all of Plaintiff's claims for punitive damages against the Board.

s/Vaughan Drinkard, Jr.  
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**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this the 12th day of October, 2007, electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all Counsel of record, as follows:

April England-Albright, Esq.  
Law Office of April England-Albright  
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Atlanta, Georgia 31131

State of Alabama Department of Education  
50 North Ripley Street  
Montgomery, Alabama 36104

s/Vaughan Drinkard, Jr.  
VAUGHAN DRINKARD, JR.